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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,287	02/03/2006	Masanori Itoh	OKUDP0159US	8386

51921 7590 04/14/2010
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EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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04/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 4/7/2010 have been fully considered but they are not persuasive.
2. Applicant argues, on pages 2-3 of the remark, "The multiplex-bridge thus is included in the moving picture streams, and is not separate from the moving picture streams as recited in claim 1 and 13". The Examiner respectfully disagrees.
3. Ashely et al teach, the bridge segments are generated during the reproduction process, see abstract, and column 5, line 65-column 6, line 1. Therefore, the inserted audio frame, which overlaps the audio gap, could store separately from the moving picture in the original data before the bridge segment in the editing process.
4. Applicant argues, on page 3 of the remark, "There is no motivation for such a combination under the KSR factors, and nor has the Examiner provided such motivation." The Examiner respectfully disagrees.
5. On page 3 of the previous office action, the Examiner stated that It would have been obvious to one ordinary skill in the art at the time the invention was made...record the additional audio for the audio gap separately from the moving picture data to allow user to **easily defined** the order of the reproduction while the contents data remain unchanged. This is a motivation because during the reproduction process of Ashely et al, user might need to locate the audio file and the moving picture file. By incorporating the teaching of Fuchigami of separating the audio and moving picture file, user can easily defined the order of the reproduction for the benefit of the editing process.

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6. Applicant also argues, on page 3 of the remark, "Fuchigami does not teach recording audio data to be reproduced in a mute interval" The examiner respectfully disagrees.

7. The current claims only require the audio data recorded on the storage medium separately from the moving picture streams. Applicant's claimed invention **reproduced** the addition audio during the mute interval and silent about recording the audio data in a mute interval.

8. Applicant argues, on page 4 of the remark, Ashley et al is not confronted with the same problem as Fuchigami whereby is difficulty recording high-quality audio data on a disc compatible with the DVD-VR standards. The Examiner respectfully disagrees.

9. Ashely et al does not need to confront the same problem Fuchigami. It has been held that a **prior art reference must** either be in the **field of applicant's endeavor** or, if not, then be reasonably pertinent to the **particular problem with which the applicant was concerned**, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ashely et al's, Fuchigami and Applicant's claimed invention are all in the same field of MPEG Video stream, see column 2 , lines 56-61 of Ashely et al, paragraph 44 of Fuchigami, page 17, line 20-page 18, line 1 of the specification of the instant application.

10. Applicant argues, on page 4, "still further, even if one were to assume it would have been obvious to modify the teaching of Ashely et al, to store audio separate from video data base on the teaching of Fuchigami, the claimed invention still would not

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result...In the invention of claims 1 and 13, however, the moving picture include both video and audio” The Examiner respectively disagrees.

11. Figure 10 of Ashely et al shows the moving picture include both video and audio, and Fuchigami teach in paragraph 43 and figure 1, “...Additional audio data related to the still pictures are stored in the VR_AUDIO.VRO file”. Therefore, It would have been obvious to one ordinary skill in the art to record the addition audio file that would overlap the audio gap of Ashely et al in a separate file according to the teaching of Fuchigami, and the result would be predictable since Figure 10 of Ashely et al shows the moving picture include both video and audio, and Fuchigami teach in paragraph 43 and figure 1, “...Additional audio data related to the still pictures are stored in the VR_AUDIO.VRO file”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/Daquan Zhao/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621